

If the Public Defender's Office decides movant has a potential argument under *Johnson*, the Public Defender, no later than forty-five (45) days of the date of this Order, should file either

an amended motion to vacate under § 2255 in this case, or a request in the Court of Appeals for leave to bring a successive § 2255 motion, as required by 28 U.S.C. § 2244(b)(3).


Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is directed to forward a copy of movant's § 2255 motion to the Office of the Public Defender for the Eastern District of Missouri.

IT IS FURTHER ORDERED that the Public Defender shall notify this Court, within forty-five (45) days of the date of this Memorandum and Order, whether it will be pursuing movant's arguments under *Johnson*, either by filing a written notice in this action of their intent not to represent movant, or by filing an amended motion to vacate, brought pursuant to 28 U.S.C. § 2255, also in this action, or a request in the Court of Appeals for leave to bring a successive § 2255 motion, as required by 28 U.S.C. § 2244(b)(3).

IT IS FURTHER ORDERED that the Court shall hold this matter in abeyance for forty-five (45) days.

Dated this 19th day of January, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE